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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-seventh session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 8 August 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva requests that the attached letter be circulated as an official document at the forty-seventh session of the Sub-Commission, under agenda item 6.

(Signed) Vladimir Pavićević,
Ambassador

GE.95-13307 (E)

Geneva, 9 August 1995

Dear Mr. Fall,

Upon instruction of the Government of the Federal Republic of Yugoslavia, I have the honour to transmit the request to urgently send a fact-finding mission for establishing evidence on flagrant violations of humanitarian law and the respective provisions of international conventions on human rights and crimes against humanity, caused by the Croatian aggression on Serb Krajina.

By its acts against the civilian Serb population, and the massive ethnic cleansing aimed at forming an ethnically clean Croatia, the Zagreb authorities are violating all the provisions of the international human rights conventions, particularly those pertaining to the crime of genocide.

In particular, I should like to point out that the aggression on the Republic of Serb Krajina is the final stage of ethnic cleansing in this part of the Republic of Serb Krajina, since over 95 per cent of the population had to flee the region to the Republic of Srpska and the Federal Republic of Yugoslavia.

As for the failure to appoint a new special rapporteur on human rights upon Tadeusz Mazowiecki's resignation, one is under the impression that his resignation, even if pretentiously linked with the events in Srebrenica, has been coordinated with the Croat aggression, whereby making an official report is being evaded. It is evident that we are faced with yet another case of covering up or reducing the crimes to a minimum, similar to the case of Western Slavonija.

From several sources, we are getting reports on massive crimes committed by the Croat forces against the Serb civilian population and prisoners-of-war. The Croat forces do not respect laws of war by, inter alia, forcing civilians and UNPROFOR members to serve as live shields in front of their tanks. United Nations high officials also refer to these crimes. We should in particular draw your attention to the statements made by Carl Bildt, one of the co-chairmen of the Conference on the former Yugoslavia and the European Union mediator.

If the international community this time, again, fails to objectively assess the situation and to inform itself on the crimes of the Croats even though the credibility of Croatia in the human rights field was severely shaken even in the former Yugoslavia, this will imply that the international community is openly taking sides with one party to the conflict, thus rejecting the fundamental principles and norms upon which it is based and which indeed it has developed.

Mr. Ibrahima Fall
Assistant Secretary-General for Human Rights
Geneva

I would appreciate it if you informed the members and the Chairman of the current session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the Chairman of the Commission on Human Rights about the above-mentioned, with a request that they take all the measures in their power to help the Serb people of Krajina to survive.

(Signed) Vladimir Pavićević,
Ambassador

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-seventh session
Agenda item 17

PROTECTION OF MINORITIES

Note verbale dated 10 August 1995 from the Permanent Mission of the Russian Federation to the United Nations Office at Geneva addressed to the Chairman of the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations at Geneva presents its compliments to the Chairman of the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and in accordance with the instructions of the Government of the Russian Federation has the honour to request that the attached paper concerning the situation of national minorities in the Republic of Estonia and the Republic of Latvia be circulated as an official document of the forty-seventh session of the Sub-Commission.

GE.95-13320 (E)

Observance of the rights of national minorities in Estonia and Latvia

1. The situation of national minorities, and especially of ethnic Russians, in Latvia and Estonia is a matter of serious concern to us. These countries' national laws on citizenship have turned thousands of former citizens of the Latvian SSR and Estonian SSR into stateless persons. All the legislation regarding citizenship, on the basis of which hundreds of thousands of permanent residents have been declared aliens in their own country, was enacted after Latvia and Estonia signed bilateral treaties with Russia on inter-State relations wherein the parties undertook to accord the right of free choice of citizenship to persons living permanently in their territories.

2. In the actions of the Latvian leadership there has recently been a somewhat positive trend towards resolving the question of the legal status of Russians. The measures taken by the Estonian authorities, on the other hand, do not indicate any softening of their position.

Estonia

3. Under the citizenship legislation applied until recently, persons with Estonian citizenship as of 16 June 1940 were recognized as citizens of the Republic. All others have been classified as aliens and may be granted citizenship only by naturalization. For applicants seeking citizenship by naturalization, the Citizenship Act passed by the Estonian National Assembly on 19 January 1995 sets out extremely high requirements, often even more stringent than those of the 1938 Citizenship Act in force until 1 April 1995.

4. Out of a total population of 1.52 million in Estonia there are approximately 550,000 to 560,000 non-Estonians, of whom more than 400,000 are Russians. Between 30,000 and 35,000 Russian-speakers have obtained Estonian citizenship, while more than 75,000 have taken Russian citizenship. About 70,000 ethnic Russians have left Estonia. Some categories of persons not belonging to the Estonian nation are completely unable to obtain citizenship. These include over 40,000 ethnic Russians.

5. The new Citizenship Act raises the residence qualification and sharply increases the requirements for knowledge of Estonian. In practice, the Act deprives a considerable part of the Russian-speaking population of the opportunity to obtain Estonian citizenship and bars the way to natural integration of non-citizens of Estonia into the country's political, economic and social life.

6. The Act concerning language passed in Estonia in 1995 furthers discrimination against persons who do not speak the State language in many important areas of public life. It does not ensure the availability of education in a language other than Estonian.

7. The legislative system established in the Republic of Estonia, which serves to regulate the social, economic, property and civil rights of non-citizens, creates in those people a feeling of uncertainty and dread of being deported from the Republic. Indeed, in late March of this year, Russian citizen P. Rozhok was forcibly expelled from the country, having been given no

opportunity to exercise the right to appeal against the authorities' actions by judicial means. This sets a dangerous precedent of forcible deportation in breach of generally accepted norms concerning the rights of an alien who had been living permanently and legally in Estonia.

8. Under the Estonian Constitution restrictions may be placed on non-citizens' exercise of the right to disseminate freely ideas, opinions or beliefs, as well as other information, and to hold meetings without prior authorization. Non-citizens of Estonia are not entitled to form political parties.

9. The Local Government Elections Act and Aliens Act deprive Russians - as non-citizens of Estonia - of the right to stand for election to local government bodies even in those regions where they constitute the overall majority of the population.

10. The Republic's Russian-speaking population have substantially restricted economic and social rights: they do not qualify for privatization of land; and not taking into account periods of employment outside the Republic of Estonia or service in the Soviet Army affects housing privatization and pension entitlements. For non-citizens the right to work as officials in State institutions is limited.

11. Retired military personnel (totalling about 10,500 in the Republic, or more than 40,000 including members of their families) have been placed in an extremely difficult position. Their problems were intended to be resolved by the Agreement, signed in Moscow on 26 July 1994, concerning social guarantees for pensioners having served in the armed forces, under which retired military personnel receive residence permits except in cases where the Government of the Republic of Estonia decides that the denial of a permit is justified because of a security threat to the State. Despite the provision in article 15 of the Agreement regarding its application from the time of signature, residence permits were issued to the first 68 retired persons only a year later, in July 1995.

12. For "non-citizens", dealing with vitally important matters both within the country, especially in regard to family reunification, and when travelling abroad has become a serious problem.

13. While residence permit applications from permanent residents of Estonia were due to be submitted by 12 July of this year, the Estonian Parliament passed amendments to the Aliens Act on 27 June allowing the Government to institute special arrangements for a period of four months to accept applications from persons failing to meet the 12 July deadline.

14. The very fact of amending the Act may be regarded as an indirect admission that the legal status of aliens who are permanent residents of Estonia has not been resolved. However, the measures do little to change the status of "non-citizens" and leave wide scope for officialism and red tape. The law still does not cover people who entered the country to take up permanent residence at the invitation of close relatives before the introduction of the visa system.

15. One of the most psychologically discomforting trends for the hundreds of thousands of Russians in the Republic of Estonia is the ever-narrowing range of information and cultural facilities in Russian and the largely artificial breakdown of links in this area with the ethnic motherland. The most obvious example is the decision to stop relaying Russian television programmes.

16. The position of the Estonian Orthodox Church has recently been a cause of particular concern to Russia. We have repeatedly drawn the Estonian leadership's attention to the unlawfulness of denying the Church's rights to property confiscated in 1940. In breach of the Estonian Constitution and international norms, the authorities are blatantly interfering in the internal affairs of the Church, imposing on it the canonical jurisdiction of the Constantinople Patriarchate; they are spreading disinformation about its activities and, indeed, have begun forcibly taking possession of churches and church property. Persecution of the Orthodox Church in Estonia has already led to the deportation of priests on the ground that they were not holding residence permits. The Russian public was most distressed by the recent decision of the Estonian authorities to expel 50 nuns of the Pühtitsa nunnery from the country. We consider this to be a violation of the rights of believers and of freedom of religion.

Latvia

17. Most of the legislation passed in Latvia since 1991 (on central and local government elections, the civil service, election campaigning, languages, supplements to the laws on the entry and residence of aliens, and on the police) is aimed at creating a political, economic, social and cultural atmosphere that would prompt the Russian-speaking population to leave the country.

18. On 22 July 1994 the Latvian Parliament revised and then passed the Citizenship Act. The amendments made to the text under pressure from international bodies do not alter its discriminatory character. Despite the disappearance of the naturalization quotas, which had given rise to particularly serious objections, many experts foresee no change in the pace of naturalization. The procedure laid down in the original bill establishing a series of steps to obtain citizenship has been retained. Thus, the process of acquiring citizenship will drag on for many years.

19. Some 278,000 of the 906,000 ethnic Russians have now become citizens of Latvia. More than 700,000 representatives of the non-indigenous population have acquired permanent resident status in Latvia and about 100,000 have not been entered in the register of permanent residents under far-fetched pretexts (links with power structures, residence in the territory of military units, etc.).

20. The great majority of the Russian-speaking population who have not received Latvian citizenship are kept from participating in elections, deprived of the right to acquire land and have considerably limited rights with regard to privatization and setting up joint-stock companies, as well as to holding posts in State administrative bodies.

21. Under the Local Government Elections Act, non-citizens are not entitled either to vote or to stand for election.

22. Persons not entered in the register of residents on general grounds are not entitled to child benefits, unemployment benefits or free medical treatment for their children, cannot receive privatization certificates and are unable to invite relatives from abroad, obtain tax record cards (making it impossible to apply for tax benefits or legal employment) or leave and enter the country freely.

23. Non-citizens have social pensions amounting to 90 per cent of citizens' pensions and limited rights in respect of obtaining or acquiring housing, defending themselves, etc. In all, under the present laws, regulations and administrative instructions, there are more than 60 differences in legal status between citizens and non-citizens.

24. Despite the statutory right to freedom of association in Latvia, except in regard to the establishment of secret organizations or armed formations, the following Russian organizations have not been allowed to register: the League of Stateless Persons of Latvia, the Union for the Protection of Veterans' Rights, the Society of Former Young Victims of the Nazi Regime, the Association of Russians of Latvia and the Russian Citizens' Association.

25. Cultural facilities for the Russian-speaking population of Latvia are deteriorating. It is becoming more and more difficult each year to obtain secondary education in the mother tongue, to read the Russian press and to watch television or listen to radio broadcasts from Russia.

26. The Russian Ministry of Foreign Affairs and the Latvian Human Rights Committee are receiving many complaints relating to cases of unlawful cancellation of Latvian residents' personal codes, refusal of valid applications for registration as residents of Latvia or for temporary residence permits, breach of the established procedure for recording changes of residence, unlawful forcible expulsion, non-compliance with provisions concerning family reunification and unlawful denial of or reduction in entitlements to privatization cheques.

27. As a result of this policy towards Russian-speaking residents of Latvia, roughly 60,000 people were forced to leave the Republic in 1992-1993, and 52,000 adopted Russian citizenship.

28. We are, however, pleased to note that there have been certain positive changes recently in Latvia's policy on inter-ethnic relations: the elaboration of a State policy concerning human rights, envisaging the creation of an office of ombudsman; the implementation of measures to prepare for the process of naturalization; the passage of an Act on the status of former citizens of the USSR who are living permanently in Latvia and are not Latvian citizens; and initial steps by Citizenship and Immigration Department offices to give effect to court decisions reversing previous action by the Department with regard to non-citizens.